

1877-004 Chancery Causes: Samuel Miller & wife vs Peter T. Miller & wife &c  
Lee Co.

Ewing, Harris, Thompson

6 Plats

CA-Estate Dispute  
T-Property

Will: 1874 : John Miller : Lee County



To the Honorable John A. Kelly Judge of the Circuit Court of Lee County:

The Bill of Complaint of Samuel Miller and Caroline Miller his wife of Lee County Virginia humbly Complaining respectfully represents that One John Miller deceased late of Lee County Virginia departed this life in the year 1874 after having made and published his last will and Testament which has been admitted to record in the County Court Clerks' office of Lee County. The testator was seized and possessed at the date of his death of a very large and valuable tract of land lying and being about three and one half miles west of Jonesville on both sides of the main road and which tract contains about 640 acres more or less and all of which is embraced in two deeds of conveyance to said John Miller deceased one being from Stephen T. Neill and Mary his wife and the other being a deed from David Miller to said John Miller and also a grant from the Commonwealth of Virginia to said John Miller deceased. Your Prators herewith file as part of this bill a copy of said last will and Testament marked (A) by which it will be seen that Mary Miller the wife of the testator was to have a support such as she ought to have out of the proceeds of the farm during her natural life.



But your Orators will here state that Mary Miller the widow did not survive her late husband but a short time as she also died in the year 1874. Under and by virtue of the said last will and testament the said tract of land descended and become vested as follows to wit: Your Orator Samuel Miller, Peter T. Miller, John Miller and Mary Harris formerly Mary Ewing widow of Robert S. Ewing become the owners of the west end of the farm or tract west of a division line made by the testator as set forth in the said last will & testament, and David Miller, and William Miller, and Ellen C. Miller and Sarah E. Thompson the wife of John B. Thompson become the owners of the East end of the tract east of the said division line all of whom being sons and daughters and heirs of the said John Miller deceased. Your Orator will here state that since the death of the testator John Miller deceased the said John Miller and Martha Miller his wife sold and conveyed their undivided interest in the western half of said tract to one Mary Miller who is the wife of said Peter T. Miller to hold the same during her life and then to her four children who are as follows to wit Martha W. Miller, Mary Miller, William A. Miller and Sarah Miller. and about the



Same Time the Said David Miller sold and  
Conveyed his undivided interest in the eastern  
half of Said tract to the Said John Miller pr.  
Your Orators will further state that Sometime  
in the Year 1825 the Said Mary Harris departed  
this life intestate leaving the following children  
and heirs to whom her undivided interest  
in the Said real estate descended to wit:  
Letitia B. Ewing, Charles H. Ewing, John M.  
Ewing, Ellen M. Ewing, Bathsheba H. Ewing,  
Orey Harris and Emily Harris, and the  
Said Letitia B. Ewing after she become twenty  
one years old sold and Conveyed her undivided  
interest in her mothers share of Said tract  
to your Orator Samuel Miller and now  
at this time the Said David Miller has a mortgage  
on the Said Peter T. Millers undivided share  
and on your Orators undivided share which  
are lying against the same. Your Orator will  
here state that it was the Testators intention  
by his will to divide his entire tract into  
two equal divisions quantity and quality  
Considered the Eastern division contains about  
337 acres and the western Division contains  
about 303 acres and then he assigned the  
western half of Said tract to four of his  
children and heirs and the eastern half to  
his other four children and heirs.



Your Orators allege that the Title to the land  
by virtue of Said will and Testament and  
conveyances and by Course of descents is, <sup>now</sup> as  
follows to wit. Your Orator Samuel Miller  
owns  $\frac{1}{4}$  &  $\frac{1}{7}$  of  $\frac{1}{4}$  of <sup>the mortgage</sup>  $\frac{1}{2}$  of the entire tract  
Peter T. Miller  $\frac{1}{4}$  of the western half of the tract  
Mary Miller wife of Peter T. Miller owns  $\frac{1}{4}$   
of the western half of Said tract during her  
lifetime and the remainder falls to her Said  
four children Martha W. Mary, William  
A. and Sarah Miller. The <sup>Six</sup> heirs of Mary  
Harris deceased to wit Charles H. Ewing; John M.  
Ewing Ellen M. Ewing Bathsheba R. Ewing Orey  
Harris and Emily Harris each the  $\frac{1}{6}$  of  $\frac{1}{4}$  of  
the western half of Said tract, John Miller Jr.  
owns the  $\frac{1}{4}$  of the eastern half of Said tract  
William Miller owns  $\frac{1}{4}$  of the eastern half of  
Said tract & Ellen C. Miller owns  $\frac{1}{4}$  of  
the eastern half of Said tract and Sarah  
Thompson wife of John B. Thompson owns the  
 $\frac{1}{4}$  of the eastern half of Said tract, Your  
Orator Samuel Miller's fourth and Peter T.  
Miller's fourth of the western half being  
subject to David Miller's mortgages as a-  
foresaid. Your Orators will further state  
that the Said Martha W. Miller Mary Miller  
William A. Miller and Sarah Miller children of  
the Said Peter T. Miller and Mary Miller are



all minors under Twenty one years of age and the Said Charles H. Ewing and John M. Ewing, Ellen M. Ewing Bathsheba H. Ewing and Oraz Harris and Emily Harris <sup>Children</sup> <sub>minors</sub> and heirs of Mary Harris deceased are also, under Twenty one years of age, and your Orators will also state that the Said William Miller Sr. and Mary Miller his wife and John B. Thompson and Sarah E. Thompson his wife are nonresidents of Virginia and live in the State of Texas. Your Orators allege that Said tract of land is liable to be partitioned among the present owners thereof and the object of this bill is to have a partition made of Said land amongst them according to their respective rights and interests in the Same,

And Your Orators being without an adequate remedy at law and only relievable in in a Court of Chancery their prayer therefore is that the Said Peter J. Miller and Mary Miller his wife and their Children to wit Martha M. Miller Mary Miller William A. Miller Jr. and Sarah Miller and the Said six Children of Mary Harris deceased to wit Charles H. Ewing John M. Ewing Ellen M. Ewing Bathsheba H. Ewing Oraz Harris and Emily Harris and the said John Miller and Martha L. Miller his wife



and William Miller Sr. and Mary Miller  
his wife and Ellen C. Miller and John B.  
Thompson and Sarah E. Thompson his wife  
be all made the parties defendants to this  
and that they all be summoned and re-  
quired to answer the several allegations  
of the same upon their oaths and that an  
order of Publication be duly made posted  
and published against William Miller Sr. and  
Mary Miller his wife and John B. Thompson  
and Sarah E. Thompson his wife who are non-  
residents and that a guardian ad litem  
be appointed to appear answer and defend  
in this cause for the said Martha W. Miller  
Mary Miller William A. Miller Jr. Sarah  
Miller Charles H. Ewing John M. Ewing Ellen  
M. Ewing Bathsheba K. Ewing Oriz Harris  
and Emily Harris who are all minors under  
twenty one years of age and that upon a  
hearing in this cause a partition of said land  
be decreed and that Commissioners be ap-  
pointed for this purpose and such other  
further and general relief be extended to  
your Orators as may be consistent with eq-  
uity and justice and best suited to  
their cause May the Commonwealths writ  
of Spa. issue directed &c. Miller for  
Complainant.







To the Honorable John A. Kelly Judge  
of the Circuit Court of Lee County:

The joint Answer of William Miller and  
Mary Miller his wife and John B. Thompson  
and Sarah E. Thompson his wife ~~to the~~  
~~and John Miller and Martha L. Miller his wife and James A. Miller~~  
Bill filed in this Cause against them and  
others by Samuel Miller and wife and for  
Answer they Say that they waive all process  
and proceedings at rules in the Clerks  
office and that they admit the plaintiffs  
right to have the land in the bill mentioned  
partitioned and they desire for themselves an  
equitable and fair partition of said  
land according to the rights and  
interests in the same and having an-  
swered they pray to be dismissed with their  
Costs. Miller for Respondents

Robinson and Ellen C. Robinson his wife



Samuel Miller &  
wife

Andrew off  
vs. Wm Miller & wife

& John Thompson  
and wife,

Peter or Miller &  
others

Deed Whitehead Married Ellen M. Ewing and  
Silas D. Martin bought out said Whitehead  
& wife's interest in same.



To the Honorable John A. Kelly Judge of  
the Circuit Court of Lee County:

The joint answer of Martha W. Miller  
Mary Miller Jr. William A. Miller Jr. Sarah  
Miller Charles H. Ewing John M. Ewing Ellen  
M. Ewing Bathsheba R. Ewing Oray Harris  
and Emily Harris by Auburn L. Pridemore  
their Guardian ad litem to the Bill filed  
in the Circuit Court of Lee County against  
these respondents and others by Samuel  
Miller and Caroline Miller his wife and  
for answer thereto these respondents say that  
they reserve to themselves the benefit of  
the usual exceptions to Complainants bill  
and they further say that they are minors  
under twenty one years of age and have  
not the discretion of persons of maturer  
years and the Courts of Chancery being  
the peculiar Guardians of the rights  
of infants these respondents ask the  
protection of the Court in any and  
all things that effects their rights and  
interests in the premises and having an-  
swered as fully as it is deemed necessary  
for them to answer they pray to be dis-  
missed with their Costs.

A. L. Pridemore

Guardian ad litem

Sworn to



Virginia Lee County to wit:

This day Auburn L. Pridemore made oath before me that the statements made and contained in the foregoing answer are true to the best of his knowledge information and belief. Given under my hand this April 6th 1876.

James Worr clerk.

Samuel Miller Sheriff

at

Answer of A. L. P.

Guardians at Leno

\$

1.80  
 .50  
 .75  
 3.05

1.25  
 .30  
 .42  
 2.97

31  
 25  
 75

14  
 3  
 42

John S. Miller Attorney

Filed at Aug. Term 1876.

James Worr clerk.



Samuel Miller & wife Plffs. }

against

Peter T. Miller & others Defs. } Decree Final

This Cause came on this day to be heard upon the papers formerly read and the report of Joseph H. Ewing Thomas S. Ely and Jonathan Barlow Comrs. who partitioned the eastern half or division of the land in the bill mentioned pursuant to a former decree entered in this Cause and was argued by Counsel and it appearing to the Court that said Comrs. report and the plat therewith have been filed in the Clerk's office ~~on~~ this Cause the time required by law and there being no exceptions thereto the same are hereby approved and confirmed on consideration of which the ~~Court~~ Court hereby adjudges orders and decrees that the said parties take and hold the said lots of lands as they are laid off and allotted to them in said Commissioners report and plat and that the Clerk of the County Court of Lee County is hereby directed to record the same to-



Together with these decrees in the deed book  
 in his office and the parties to this suit  
 are required to pay the Costs of the  
 same in proportion to their interests  
 in the lands in the bill mentioned and  
 nothing further being necessary this  
 Cause is ordered to be Stricken from  
 the Docket.

Samuel Miller & wife

vs. Decree final,

Order of Miller & wife

Entered on Page 116.

On Order

Enter  
 p. 116.  
 Dec 6/77



Virginia,

At a Circuit Court continued and held for Lee  
County, at the Court house thereof, on Wednesday  
the 5th day of Sept, 1877.

Samuel Miller & wife

against

Peter T. Miller & wife et als

Proffs.

Do Chy.

Defts.

x x x x x x x x The Court hereby appoints Joseph B. Ewing,  
Jonathan Barlow and Thomas S. Ely, the Commissioners  
who last partitioned the western division of half of  
said tract, as Special Comrs. to partition the Eastern half  
or division of said tract, so as to give the said John Mil-  
ler, William Miller, Ellen B. Robinson and Sarah E.  
Thompson, each the fourth part in value of said East-  
ern half or division of the tract, and will make a  
report and plat of their partition, and return the  
same to this Court, and the Cause is continued  
till next term.

Scopy

Teste - R. W. Orr Jr. D.C.



Samuel Miller & wife  
vs { Copy of Deed  
Peter T. Miller & wife  
et als

1st day Nov. Term 1877.

Exempto

Thos. S. Ely & Co.

8.00  
3.00

Erving	1.00
Barlow	1.00
Eely	1.00



Samuel Miller & wife Plffs.

against

Peter T. Miller & wife & others Defs.

} Decree

On motion of William Miller and Mary Miller his wife and John B. Thompson and Sarah E. Thompson his wife, by their Counsel leave was granted them to file their answer and the same was accordingly filed and thereupon this Cause came on this day to be further heard upon the papers formerly read in the Cause and was argued by Counsel and it appearing to the Court that the said William Miller and Mary Miller his wife and John B. Thompson and Sarah E. Thompson and John Miller and Martha L. Miller his wife and James C. Robinson his wife in their answer waive all process and proceedings at rules and admit the allegations contained in the plaintiffs bill and all agree to a partition of the land in the bill mentioned ~~and by~~ The Court hereby appoints Joseph H. Ewing Jonathan Barlow and Thomas S. Ely the Commissioners who last partitioned the western <sup>Division or</sup> half of said tract as Special Commissioners to partition the Eastern half or division of said tract so as to give the said John Miller, William Miller, Ellen C. Robinson, and Sarah E. Thompson each the fourth part in value of said Eastern half or division of the tract



And will make a report and plat of  
 their partition and return the same to  
 this Court And the Cause is Continued till  
 next Term

No 2.

Samuel Miller &  
 wife

vs. Jacobus in Chy

Plt of Miller & wife

External page 674

W. H. Or. p. 122.

No 2.

Edm.

J. H. H.

Jan 5/1777



Samuel Miller and wife Plffs. }  
against } Decree  
Peter T. Miller & others Defts }

This Cause Came on this day to be heard upon the papers formerly read in the Cause and the report and plat of Joseph H. Ewing Jonathan Barlow and Thomas S. Ely Commissioners appointed by a former decree entered in this Cause to carefully review the partition as made by the former Commissioners and if they found any inequality in it, to make a new partition as directed in the former decree or Correct the former division so as to make it equal if it can be done and the said last report having been filed in the Clerks office for more than ten days and no exceptions being filed thereto the same is hereby approved & Confirmed and the exceptions to the first report are hereby Sustained On Consideration of which the Court hereby orders adjudges and decrees that the parties take and hold respectively the land as laid off and allotted to them in the said report & plat last made by Commissioners Joseph H. Ewing Jonathan Barlow and Thomas S. Ely and it appearing to the Court that the plaintiff Samuel Miller and wife had sold and conveyed their part in said land to Alexander



C. McNeil the same is therefore laid off allotted and assigned to him as designated in said plat and report which lot contains  $69\frac{2}{3}$  acres and the lot containing  $55\frac{2}{3}$  acres is laid off allotted and assigned to the Defendants Charles H. Ewing, John M. Ewing, Ellen M. Ewing now Ellen M. Whitehead, Bathsheba K. Ewing, Gray Harris and Emily Harris jointly and the lot containing 125 acres is laid off allotted and assigned, one undivided half to Defendant Peter T. Miller, and the other undivided half to Mary Miller his wife, during her life, and then to their four children, Martha W. Miller, Mary Miller Jr., William A. Miller, & Sarah Miller; Peter T. Miller's undivided half being subject to a mortgage in favor of David Miller, and the Court hereby directs the Clerk of the County Court of Lee County to admit to record in the Deed Book in his office, the last decree entered in this cause, the Commissioners report and plat, made by Commissioners Joseph H. Ewing Jonathan Barlow and Thomas S. Ely and also this decree.

No 1  
Samuel Miller & wife

Decree

Peter T. Miller & others

Entered Page 674  
RW on p. 50

N 1

R

Entered  
for  
Sept 6, 177



Peter Miller & wife }  
and } on exceptions  
Samuel Miller & wife }

This cause came on to  
be heard on the exceptions to the report  
of partition, and after hearing the  
parties, the court neither sustains  
or overrules the exceptions at this time  
But orders and decrees that after being  
just duly summoned ~~Charles C. Elliott~~  
Joseph H. Ewing and Jonathan Barlow  
who are appointed commissioners  
herein after giving to the parties  
notice as required in the former  
decree, do go on the land and  
carefully review the partition as  
made by the former commissioners  
and if they find any inequality  
in it, that they make a new parti-  
tion as directed in the former decree  
or correct the former division so as  
to make it equal, if it can be  
done, and make report to this  
court as to how they have per-  
formed their duty and this cause  
is continued.



Samuel Miller & wife  
~~vs.~~

vs. } Acres for  
new partition

Peter T. Miller  
& others

Entered order Book  
page 564.  
James W. Orr. clk.

Enter  
J. A. R.

Sept. 8/76



Samuel Miller & wife Plffs. }  
Against } Decree in Chy  
Peter T. Miller & others Defs }

The plaintiffs in this cause this day filed their Bill and thereupon by the Consent of the adult Defendants Peter T. Miller and Mary Miller his wife John Miller and Martha L. Miller his wife and Ellen C. Miller this cause is placed on the issue docket and it appearing from the Bill that the Defendants Martha W. Miller, Mary Miller jr., William A. Miller jr., Sarah Miller Charles H. Ewing, John M. Ewing Ellen M. Ewing Bathsheba K. Ewing Grey Harris and Emily Harris are infants, On motion of the plaintiffs Auburn L. Bridemore is appointed guardian ad litem for them, and on his motion leave is granted him to file his answer and the same is accordingly filed and thereupon by Consent of parties this cause came on to be heard upon the Complainants bill and ~~the answer~~ and the answer of the infant Defendants by Auburn L. Bridemore their guardian ad litem and was argued by Counsel and it appearing from Complainants Bill that the tract of land in the bill mentioned is liable



to partition amongst the parties to this suit, and  
it further appearing to the Court that some  
of the parties owning shares in the eastern  
Division of Said tract are not yet before the  
Court, <sup>the Court</sup> therefore only takes action at this  
time as to the partition of the western <sup>part</sup>  
half or division of the said tract <sup>by consent of parties before</sup> and hereby  
orders adjudges and Decrees that Eli Davis  
~~Richard Melton~~ <sup>Richard Melton</sup> ~~Robert Champ~~ <sup>J. H. Campbell</sup> be appointed to go upon  
the western half or Division of Said tract and  
partition lay off and allot the same as follows,

To the plaintiff Samuel Miller the one fourth  
and the one seventh of one fourth thereof  
to the Defendant Peter J. Miller the one fourth  
thereof and to Mary Miller wife of Peter  
J. Miller during her life and then to her four  
Children the one fourth part thereof and  
to the infant defendants Charles E. Ewing  
John M. Ewing Ellen M. Ewing Bathsheba  
F. Ewing Orey Harris and Emily Harris  
jointly the Six sevenths of one fourth thereof  
and they will report their action to Court  
and the Cause is Continued

Samuel Miller & wife

At  
Decree

Peter J. Miller & others

External Order Book

Page 526 + 527.

James W. Merrill

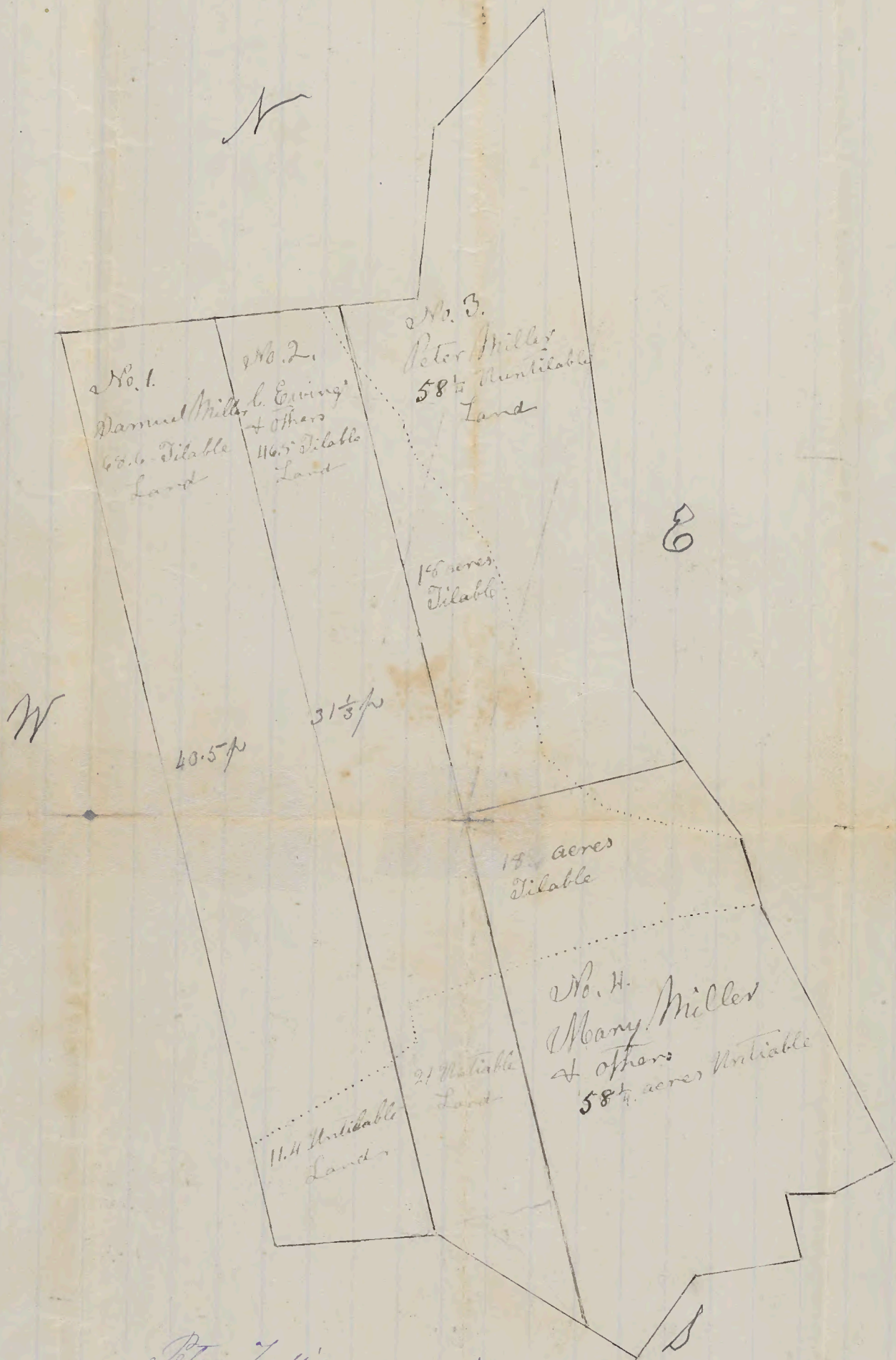
Order  
Book  
Apr 7/76



Samuel Miller  
& others

Plat showing  
the tillable and  
untillable land  
on each lot.

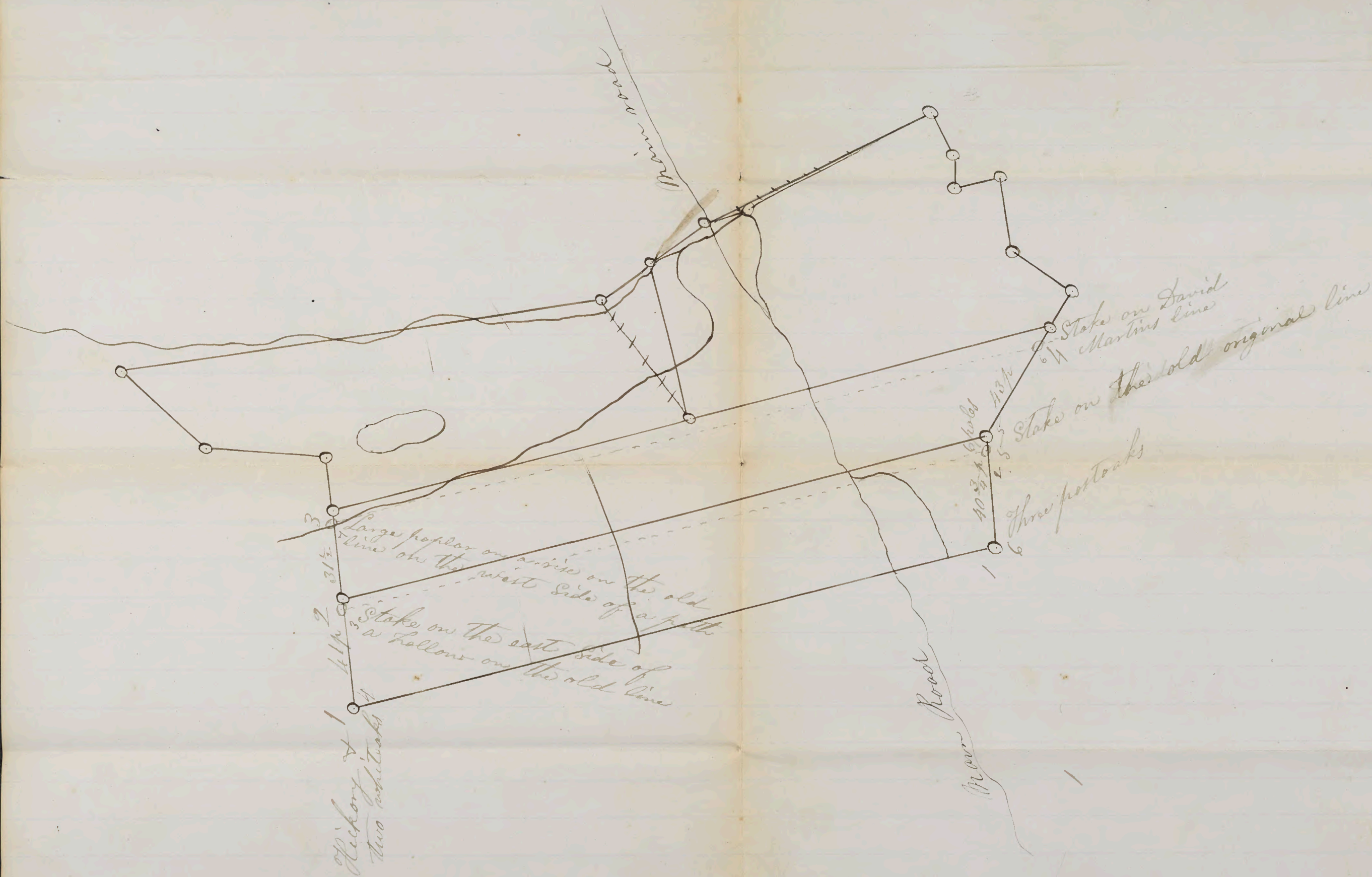




80

Peter J. Miller is entitled to one fourth of the land and his fourth as allotted to him contains about 18 acres <sup>or 23 acres</sup> of tillable land. Mary Miller his wife & her children own one fourth and their lot contains 18 acres of tillable land. Charles H. Ewing & others own 6/7 of 4 and their share contains 46 5/10 acres of tillable land. Samuel Miller owns 1/4 & 1/7 of a fourth and his lot contains 68 6/10 acres of tillable land.







Samuel Miller  
& others plat  
of land



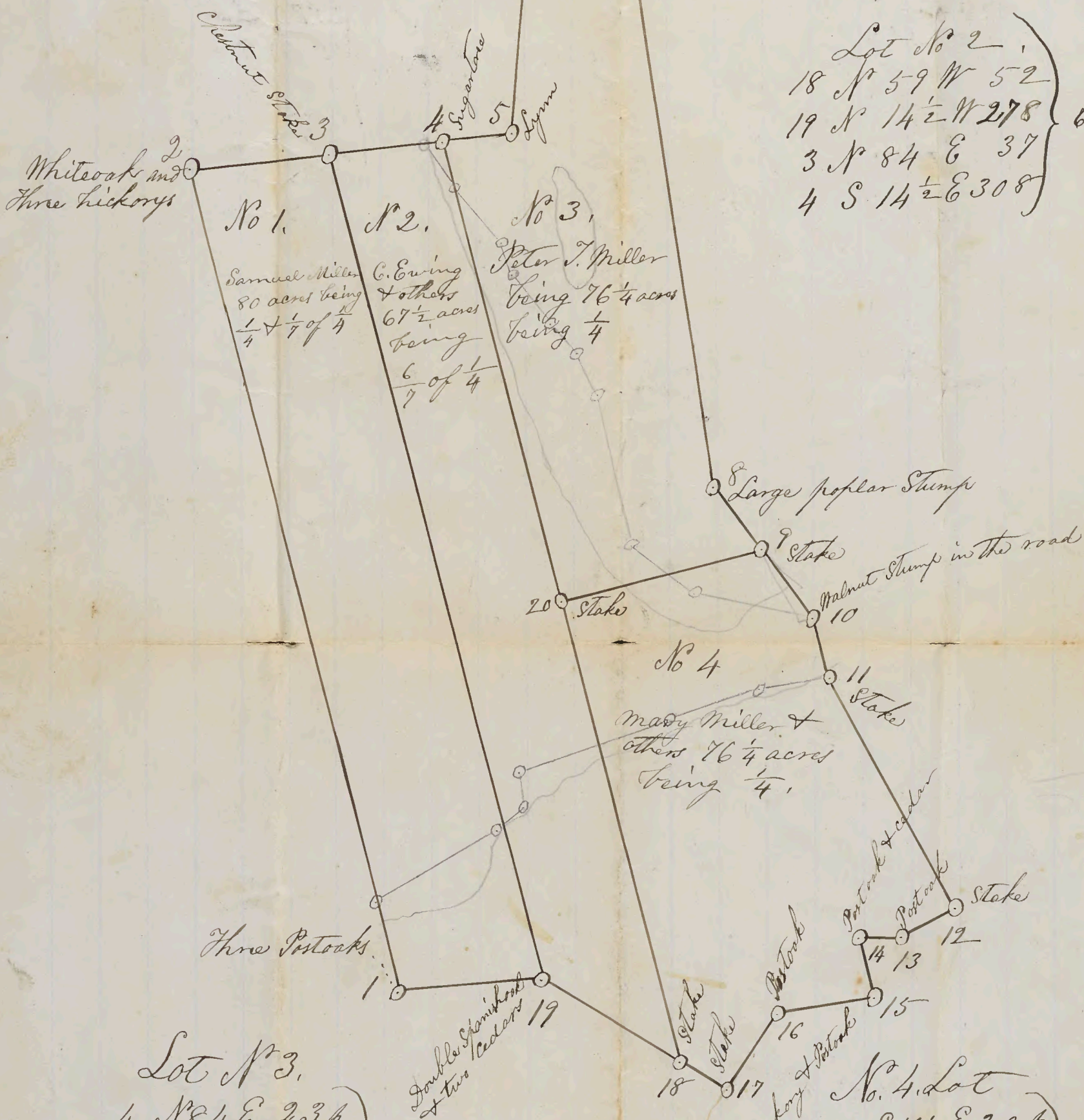
Three whiteoaks & 7  
Stooping Black<sup>oaks</sup> Fisher Corner

1 N<sup>o</sup> 14  $\frac{1}{2}$  W 274  
 2 N<sup>o</sup> 84 E 46  
 3 S 14  $\frac{1}{2}$  E 278  
 19 S 87 W 47

80 acres

Lot No 2.

18	N	59	N	52	} 67 1/2 A.
19	N	14 1/2	N	278	
3	N	84	E	37	
4	S	14 1/2	E	308	



Lot N<sup>o</sup> 3.

4 N 84 E 23 p.  
5 N 3 E 50.  
6 N 42 E 47.  
7 S 8 E 210.  
8 S 37 E 25.  
9 S 75 W 67.)

No. 4. Lat

Glick

10	S 16 $\frac{1}{2}$ E 20.	} 76 $\frac{1}{4}$ A.
11	S 29 E 85.	
12	S 60 W 20.	
13	Post 14.	
14	S 15 E 20.	
15	S 80 W 32.	
16	S 32 W 30.	
17	N 59 W 18.	
18	N 14 $\frac{1}{2}$ W 15 4.	
20	N 75 $\frac{1}{2}$ E 67.	
9	S 37 E 28.	



Samuel Miller  
& others  
Plot of Land.

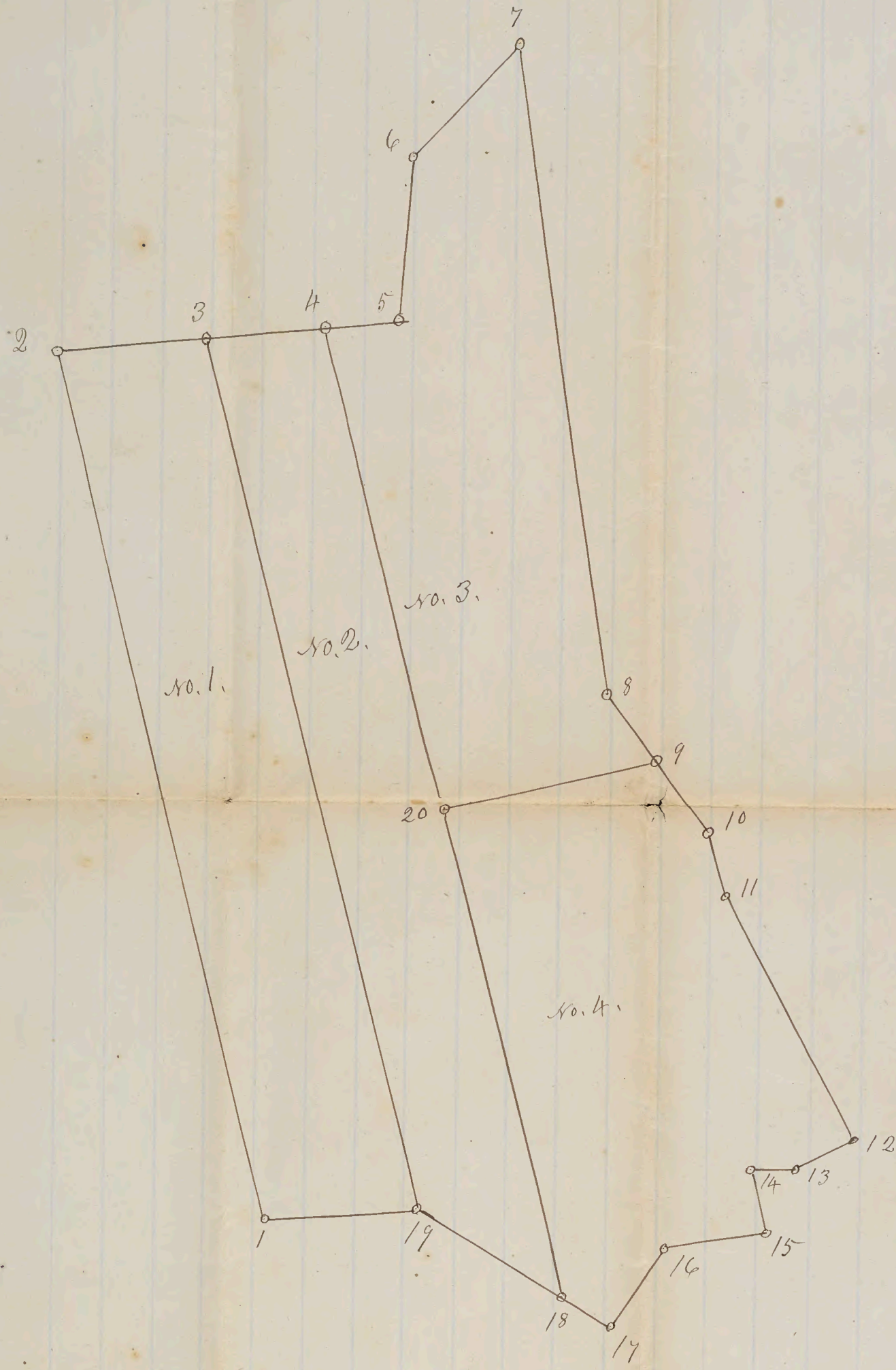


North.

West.

East.

South.





Samuel Miller & wife

vs } Report of Comrs-

Peter S. Miller et als

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Filed Aug. 10th 1876.

James W. Orr. Clk.



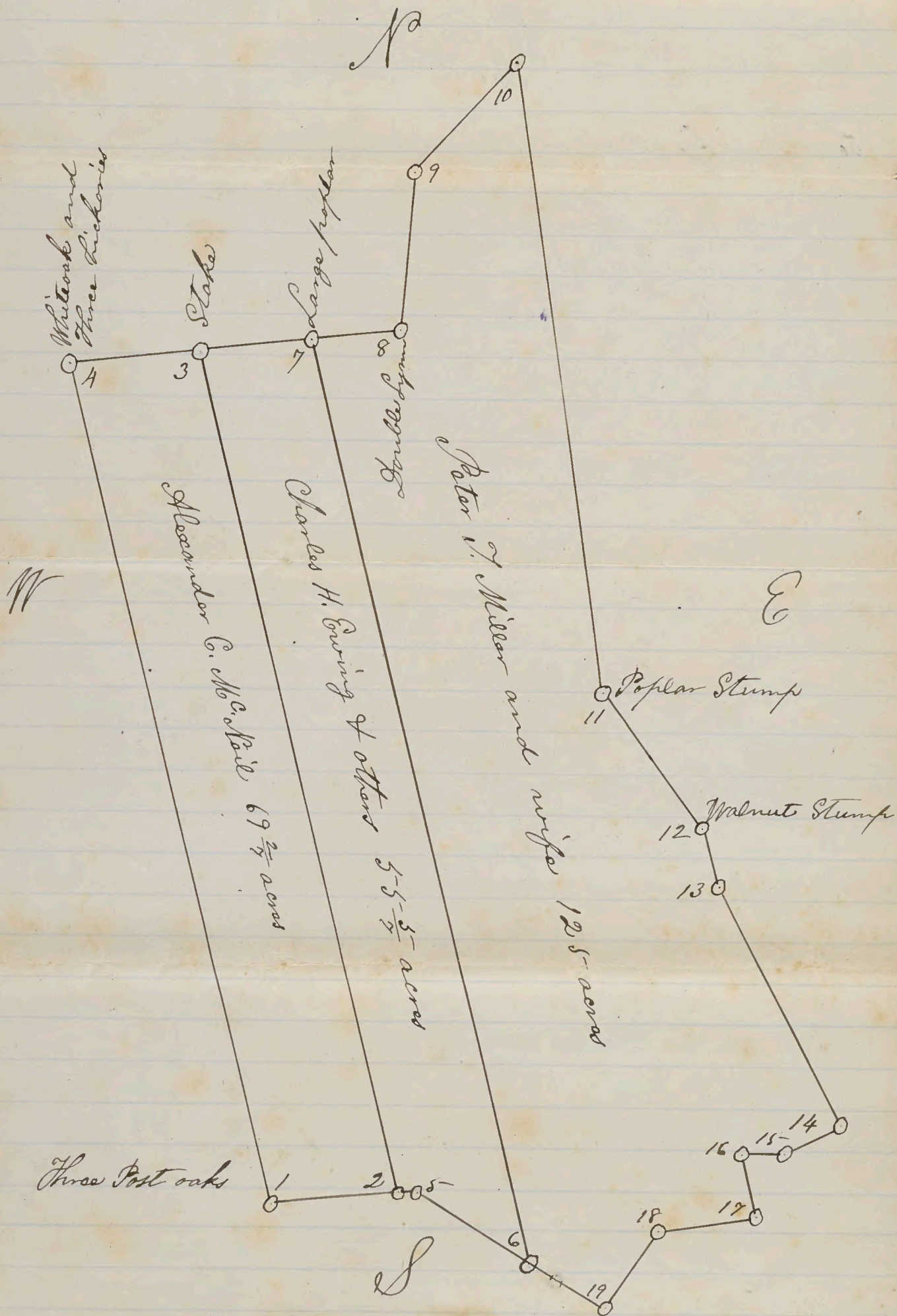
See figures 7-8-9-10-11-12-13-14-15-16-17-  
18-19-6 & 7- Peter T. Miller's undivided half  
of this lot is subject to a mortgage executed  
by him to David Miller and which is not  
to be affected by this partition and allot-  
ment, all of which is hereby respectfully sub-  
mitted to your honor.

Jos. H. Ewing  
Jonathan Barlow  
Thos. S. Ely

Com-  
mis-  
sioners.

Comms. fees. J. H. Ewing \$1.00  
Jonathan Barlow \$1.00  
Thoms S. Ely \$1.00







Samuel Miller & wife

Pepps

Against

Peter T. Miller & others

Sept.

Comrs. Report

To the Honorable John A. Kelley Judge of the Circuit Court of Lee County:

Pursuant to a decree of the Circuit Court of Lee County made and entered <sup>the above styled Cause</sup> ~~into~~ on the 7th day of April 1876 and another decree entered in Said Cause on the 8th day of September 1876 in the Circuit Court of Lee County the undersigned Commissioners appointed by the last named decree after giving the parties notice as required by the first named decree and after being duly sworn as required by said last decree we went upon the land in the bill mentioned and carefully reviewed the partition made by the Commissioners appointed by the first decree entered in this Cause and ~~we~~ having found an inequality in said former partition we hereby make a new partition as directed in the former decree and correct the former partition so as to make it equal and hereby submit this as our partition and correction of the partition made by the former Commissioners a plat of which is herewith filed and we report as follows:

First. We have laid off allotted and assigned to Samuel Miller sixty nine and two sevenths acres of the said tract of land on the West end of the tract adjoining the land owned by A. C. McNeil the said  $69\frac{2}{7}$  acres having been sold and conveyed to



Said A. C. McNeil by Samuel Miller and Caroline his wife the same is hereby laid off allotted and assigned to Said A. C. McNeil and is bounded as follows:

Beginning at three postoaks a corner to said A. C. McNeil's and Joseph H. Ewing's lands and thence running with the old original line  $N 87^{\circ} E 40\frac{3}{4}$  poles to a stake on said line a corner to the lot hereby laid off to Charles H. Ewing & others and with a line thereof  $N 14\frac{1}{2}^{\circ} W 278$  poles to a stake on the East side of a hollow on the old line a corner to the lot laid off to Charles H. Ewing and others thence with the old line  $S 85^{\circ} W 41$  poles to a white-oak and three Hickories a corner to said A. C. McNeil's land and thence with a line thereof  $S 14\frac{1}{2}^{\circ} E 274$  poles to the beginning.

See figures 1-2-3-4 & 1 on the plat

This lot is intended to include the one fourth and the one seventh of one fourth of the western division or half of the tract of land lately owned by John Miller decd.

Second. We have laid off allotted and assigned to Charles H. Ewing, John M. Ewing, Ellen M. Ewing, Bathsheba K. Ewing, Orey Harris and Emily Harris jointly fifty five and five seventh acres of said land next adjoining the same and which is bounded as follows to wit:

Beginning at a Forked Spanishoak in the edge of the Cedars a corner to David A. Martin's land and with a line

thereof  $S 57^{\circ} E 43$  poles to a stake on said line which is also a corner to the lot laid off to Peter J. Miller and Mary Miller his wife and with a line thereof  $N 14\frac{1}{2}^{\circ} W 302$  poles to a large poplar on a side on the old line on the west side of a path a corner to Peter J. Miller and Mary Miller his wife's lot and with said old line  $S 85^{\circ} W 31\frac{1}{2}$  poles to a stake on said line on the East side of a hollow a corner to the lot herein laid off to A. C. McNeil and with a line thereof  $S 14\frac{1}{2}^{\circ} E 278$  poles to a stake on the old line about 6 poles west of the said Forked Spanishoak corner and thence with the old line  $N 87^{\circ} E 6$  poles to the beginning. See figures 2-5-6-7-3 & 2, on the plat. This lot is intended to be six sevenths of one fourth of the western division or half of the tract of land owned by John Miller deceased.

Third. Peter J. Miller owns one fourth of said Western half or division of said tract of land and Mary Miller his wife also owns one fourth during her life and it then falls to her four children three of whom are minors under twenty years old and we thought it best and particular. So for the minors that the said two shares should not be divided at this time and we have laid off the two shares to them according to their respective rights and interests in the same in one body which includes



the balance of the western division or half of  
 the John Miller tract of land and contains One  
 hundred and seventy five acres and is bounded  
 as follows Beginning at a large poplar on a rise on  
 the north line of the old tract on the west side of a  
 path and thence with the lines of the land owned by  
 John Miller deceased at his death N 84 E 33 1/2 poles  
 to a double lynn in a hollow thence N 3 E 50 poles  
 to a Stake on the Cornes or Snodgrass line thence N  
 42 E 47 poles to three whiteoaks and a stooping  
 blackoak Fisher's Corner thence leaving the outside  
 lines and with the division lines as run and estab-  
 lished by David Miller and established by the  
 last will and Testament of John Miller deceased  
 S 8 E 210 poles with a marked  
 line to a large poplar stump  
 thence S 37 E 53 poles to a  
 walnut stump in the north  
 side of the main road thence  
 S 16 1/2 E 20 poles to a rock thence  
 S 29 E 85 poles to a Stake on David  
 A. Martin's line and with his  
 lines S 60 W. 20 poles to a post oak  
 thence west 14 poles to a post  
 oak and Cedar thence S 45 E 20 poles to a hickory  
 and post oak thence leaving Martin's lines S 80 W 32 poles  
 to a post oak Hamblen's Corner thence S 32 W 30  
 poles to a Stake in Hamblen's line and on  
 Martin's line and with Martin's line N 59 W  
 27 poles to a Stake on Martin's line a Corner  
 to the lot laid off and allotted to Charles H.  
 Ewing & others and with a line thereof  
 N 14 1/2 W 302 poles to the beginning

Samuel Miller & wife  
 Cornet,  
 Report of  
 partition  
 John v. Miller & others  
 Filed Aug 23rd 1877.  
 James M. Or. Clerk.

Recorded in 200 Book 167 R. Page 534. 245-246







and supposed to be where two Dog-wood Stumps on a flat once stood which were a Corner to Said Miller's and Leedy's lands, thence S 69 E 30  $\frac{1}{2}$  poles to a walnut and Hickory at a sinkhole another Corner of Said Miller's and Leedy's lands, thence S 57  $\frac{1}{2}$  E 18 poles to a walnut where two postoaks once stood another Corner of Said Miller's land, thence S 53  $\frac{3}{4}$  W 50 poles to four Chinguapin oaks on the north side of a large sinkhole a Corner to the Beaty land and with a line thereof S 50 W 44 poles to a Stake in the Said Beaty line a Corner to the lot herein laid off and assigned to John Miller and with a line thereof N 43 W 180 poles passing through the head of the main upper spring to a small Chinguapin oak on a ledge of rocks a Corner of a 68 acre Survey made in the name of Said John Miller Sr. deceased and thence with David A. Martin's line N 65 E 99 poles to the beginning.

Second We laid off allotted and assigned to John Miller 65 acres next to



the above including the mansion house and which is designated on said plat by the letters E F G H I J. K L E and which is bounded as follows to wit. Beginning at a stake on what was once the Beaty line and which is the South Corner of the lot laid off and assigned to William Miller and with a line thereof N 43 W 180 poles passing through the head of the main upper Spring to a small Chinkapin oak on a ledge of rocks a Corner to a 68 acre Survey made in the name of John Miller Sr. deceased and also a Corner to the lots laid off and assigned to said William Miller and Sarah E. Thompson and with the said Sarah E. Thompsons lines S 6 E 113 poles to a rock at the Garden Gate west of and near the Mansion House thence S 27 E 93 poles to a Stake on David A. Martin's line and with the same N 60 E 9 poles to Marked Timber a Corner of said Martin's 25-acre Tract and with a line thereof S 45 E 30 poles to a Cedar another Corner of said Martin's thence leaving said lines and with



The lines of what was once the Beatty land N 18 W 40 poles to a walnut and Post oak on a rise a Corner to Said land thence N 50 E 69 poles to the Beginning

Third The laid off allotted and assigned to Sarah E. Thompson 8 5/8 acres next to the Said John Miller's lot and which is designated by the letters J H I P C N M G and which is bounded as follows: Beginning at a small Chinquapin oak on a ledge of rocks a Corner to a 68 acre Survey made in the name of John Miller Sr. deceased and herein made a Corner to the lots laid off and assigned to William Miller and John Miller and with the lines of John Miller's lot S 6 E 113 poles to a rock at the garden gate west of and near to the mansion house thence S 27 E 93 poles to a stake on David<sup>A</sup> Martin's line and with the same S 60 W 31 poles to a stake on said line a Corner to the lot laid off allotted and assigned to Ellen C. Robinson and with her lines N 27 W 94 poles to a stake in the main road thence N 14 1/2 W



277 poles to a Blackoak and White oaks on a rise Fishers Corner and thence with Fishers lines N 78 E 23 poles to a whiteoak and Dogwood David A. Martins' Corner and also a Corner of the 68 acre Survey made in the name of John Miller Sr. deceased and with the lines thereof S 27 E 150 poles to the Beginning.

Fourth We laid off allotted and assigned to Ellen C. Robinson 85 acres of Said land adjoining the Said Sarah E. Thompson's lot and adjoining the lot formerly laid off to Peter J. Miller and wife and which is designated by the letters R. S. T. U N O P. Q. R. and is bounded as follows to wit: Beginning at a Walnut Stump in the north Side of the main road a Corner to Peter J. Miller and wife's land and with the lines thereof N 38 W 44½ poles to a large poplar Stump thence N 8 W 210 poles to three whiteoaks and a Stooping Blackoak Fishers Corner and with a line thereof N 42 E 47 poles to a Blackoak and whiteoaks on a rise Fishers' Corner and also a Corner



of the lot hereby laid off to Sarah  
E. Thompson and with the lines there-  
of S  $14\frac{1}{2}$  E 277 poles to a stake in  
the main road thence S 27 E 94 poles  
to a stake on David A. Martin's line  
and with the same S 60 W to a stake  
on said line a corner to Peter J.  
Miller & wife's land and with the lines  
thereof N 25 W 85 poles to a rock thence  
N  $16\frac{1}{2}$  W 20 poles to the beginning.

The dotted line G. F. a. b. c. d. is the  
line that James B. Boling bought to  
there being 108 acres belonging to him  
east of said line but no deed has  
yet been made and no part of  
the purchase money has yet been  
paid.

Respectfully Submitted,

Jonathan Barlow

for J. Ewing

Thos. S. Ely

Commissioners

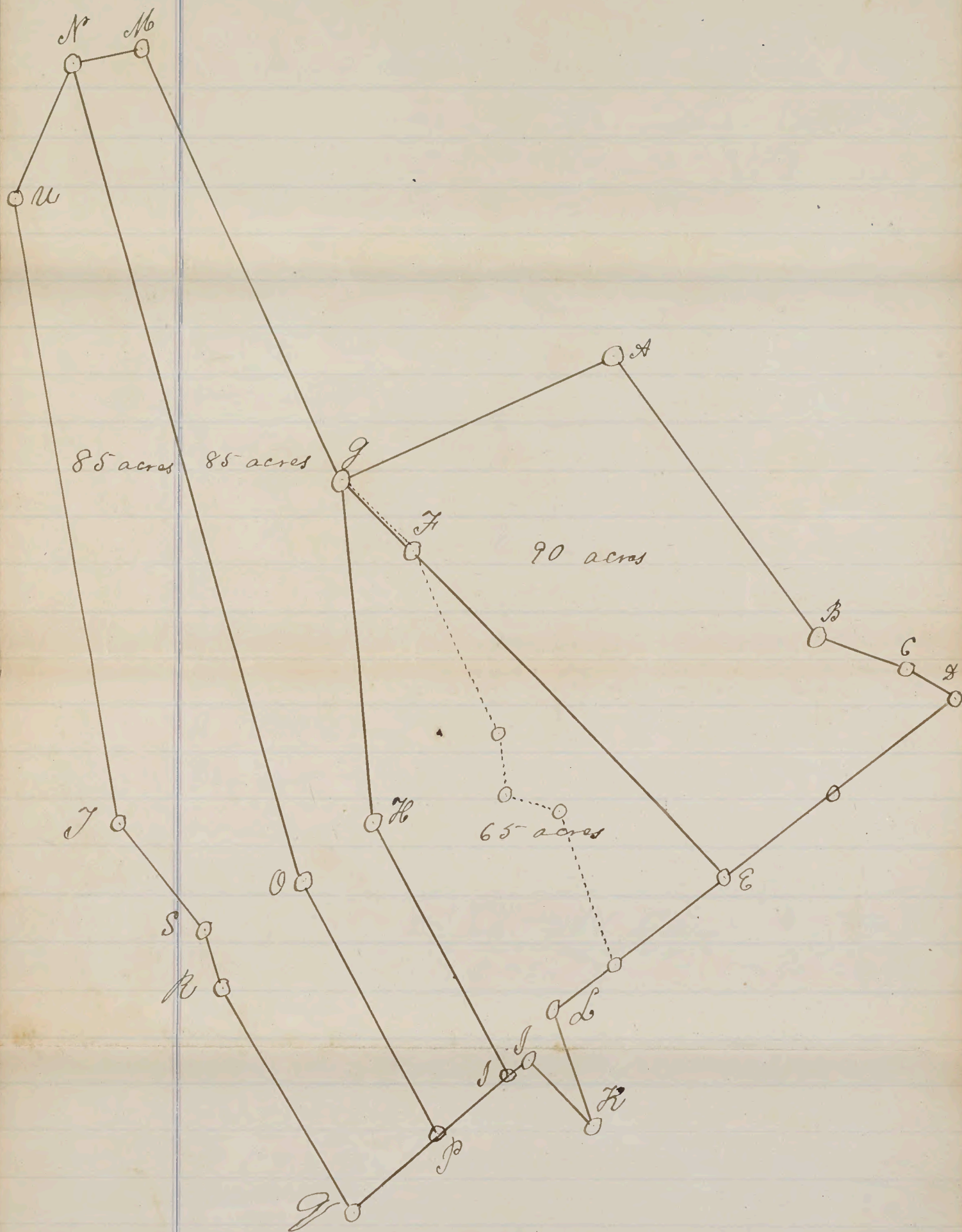
Cash. Fees

Joseph Ewing \$200

Thos. S. Ely 200

\$4.00







Samuel Miller  
& wife.

vs. } Comrs. Report  
and plat.

Peter T. Miller  
& others

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Filed Nov 15th 1877.  
James W Orr. Clerk.

Recorded in Sec. Book  
No 18. Page 277  
J. W. Orr. W.C.

To be recorded.



Pursuant to an order of the Circuit Court  
dated the 7th. day of April 1876, in the  
case of,  
Samuel Miller & wife, Plaintiffs

vs,

Peter T. Miller & others Defendants,

We, Eli Davis, Richard M. Hamblen, and  
Champ T. Hamblen Commissioners, whose names  
are hereunto subscribed, proceeded on the 12th,  
day of June 1876, to lay off and assign in  
lots, to the owners thereof, the western  
half or division of the land of  
John Miller Dec'd,

and beg leave to report:

1st, We assigned to Samuel Miller a lot  
adjoining the lands of A. C. McNeil estimated  
to contain 80 acres, represented on the plat  
hereunto annexed, by the Figure 1.2.3.19.1,  
and marked No. 1, and bounded as follows,

Beginning at three post oaks, McNeil and  
Ewing's corner, and running thence with a line  
of the former N.  $14\frac{1}{2}$  W. 274 poles to a white  
oak and three hickories, McNeil's corner,  
thence N.  $84^{\circ}$  E. 46 poles to a chestnut stake  
corner to the 2nd. lot, and thence with a  
line thereof S.  $14\frac{1}{2}$  E. 278 poles to a double  
Spanish oak and two cedars  
thence S.  $87^{\circ}$  W. 47 poles to the beginning.  
This we consider equal in value to one fourth  
and one seventh of one fourth of the land.



Secondly, we assigned to Peter T. Miller the lot marked No. 3, and represented by the Figure 4. 5. 6. 7. 8. 9. 20. 4, estimated to contain  $76\frac{1}{4}$  acres, and bounded as follows, viz:  
Beginning at a Sugartree, on the Outside line, corner to the 2nd. lot, and running thence N.  $84^{\circ}$  E. 23 poles to a double lynx in a hollow, thence N.  $3^{\circ}$  E. 50 poles to a Stake on the Carns line, thence N.  $42^{\circ}$  E. 47 poles to three white oaks and a Stopping black Oak, Fisher's corner, thence S.  $8^{\circ}$  E. 210 poles to a large poplar thence S.  $37^{\circ}$  E. 25 poles to a Stake, thence with a line of the 4th. lot, S.  $75^{\circ}$  W. 67 poles to a Stake corner to the 4th. lot, and with a line of the 2nd. lot, N.  $14^{\circ}$  W. 154 poles to the beginning.

Thirdly, we assigned to Mary Miller, wife of Peter T. Miller during her life, and then to her four children the lot marked No. 4, and represented by the Figure, 10. 11. 12. 13. 14. 15. 16. 17. 18. 20. 9. 10., estimated to contain  $76\frac{1}{4}$  acres, and bounded as follows, viz:

Beginning at a walnut stump at the main road and running thence S.  $16^{\circ}$  E. 20 poles to a Stake; thence S.  $29^{\circ}$  E. 85 poles to a Stake on Martin's line, and with Martin's lines S.  $60^{\circ}$  W. 20 poles to a post oak Martin's corner, thence west 14 poles to a post oak and cedar Martin's corner;

thence S.  $15^{\circ}$  E. 20 poles to a hickory and post Oak; Martin's corner; thence S  $80^{\circ}$  W. 32 poles to a post oak, Hamblen's corner; thence S.  $32^{\circ}$  W. 50 poles to a Stake in Hamblen's line, thence N.  $59^{\circ}$  W. 18 poles to a Stake corner to the 2nd. lot on the Martin line, and with a line of the 2nd. lot N.  $14^{\circ}$  W. 154 poles to a Stake, corner to the 3rd. lot, and with a line of the same N.  $75^{\circ}$  E. 67 poles to a Stake; thence S.  $37^{\circ}$  E. 28 poles to the beginning.

Fourthly, we assigned the lot marked No. 2, and represented by the Figure 18. 19. 3. 4. 18, estimated to contain  $67\frac{1}{2}$  acres, to the infant defendants, namely Charles H. Ewing, John M. Ewing, Ellen M. Ewing, Bathsheba H. Ewing, Orey Harris, and Emily Harris jointly which we consider equal in value to Six Sevenths of one fourth as the order directs & bounded as follows, viz:

Beginning at a stake on the Martin line corner to the 4th. lot and running thence N.  $59^{\circ}$  W. 52 poles to a double Spanish oak and two cedars, corner to the first lot, and with a line thereof, N.  $16^{\circ}$  W. 278 poles to a Chestnut Stake, corner to the 1st. lot; thence N.  $84^{\circ}$  E. 37 poles to a Sugartree, corner to the 3rd. lot, and with a line of the 3rd. & 4th. lots S.  $14^{\circ}$  E. 308 poles to the beginning.



Thus we have endeavored to partition and assign to the legal owners the said western division of the land as the order directs and we have made a fair plat showing each lot with the boundaries &c. of the same, all of which is respectfully submitted,  
July the 4th, 1876,

Eli Davis  
 Champ, J. Hamblen  
 Robert M. Hamblen } Commissioners.

### Commissioners' fees.

E. Davis for 2 days.	paid	\$ 4.00
C. J. Hamblen " "	paid	2.00
R. M. Hamblen " "	paid	2.00.
		<hr/> \$ 8.00



$$\begin{array}{r}
 76 \\
 \times 8 \\
 \hline
 608 \\
 \times 2 \\
 \hline
 1310 \\
 \hline
 1310
 \end{array}$$



May 30<sup>th</sup> 1873.

I John Miller of Lee County and State of Virginia do make this my last will and Testament.

First. I will that my beloved wife Mary have a support such as she ought to have out of the proceeds of my farm during her natural life.

Second. I will that my Sons Samuel Peter and John and my daughter Mary who is intermarried with one Robert Ewing have the west end of my farm, west of a division line made by myself & run by my son David some year or more ago.

Third. I will that my sons David & William and my daughters Ellen & Sarah have the East end of my farm east of the above described line equally between them, and that any of these my children may sell and dispose of their said interests in and to the above described land to another of said children but not to strangers, but the title is not to pass during the life of myself & wife.

Fourth. I will that after paying the children who may stay with me and take care of me & my wife till our death a reasonable compensation therefor that the remainder if any there be, be so divided among the above described children so as to make them as near equal as can be done and that



my Daughter Ellen have right to house room  
in my homestead house during her singleness.

Signed and Sealed  
in presents of

R. M. Hamblen

A. M. Ely

John <sup>his</sup> + Miller  
mark

The above is a true Copy of the last will &  
Testament of John Miller deceased. Given un-  
der my hand this August 19th 1874.

Teste John R. Gibson D.C.  
for James Warr Clerk of  
Lee County Court Va.

An attested Copy of  
the last will and  
testament of  
John Miller deceased.

(21)



Virginia Lee circuit court  
Samuel Miller & wife Plffs

vs

Peter J Miller & others Defts } Defts  
} Exceptions

Peter J Miller & wife Exepts to the  
partition & report thereof made in  
this cause, Between the heirs for  
the following reasons. To wit,

- 1st The allotment & division is grossly  
unequal, Peter J Miller and wife  
are entitled to one half in value of  
the whole tract (300 acres), and the other  
heirs are entitled to the other half,  
yet the commissioners lay out  
to the share of P J Miller & wife 152½  
acres, of which there is only about 36 to  
goodly acres, of tilable land, the  
rest of the 152½ acres is very inferior  
land, being steep hill side land,  
poor, & covered with rocks, & cedars,  
whilst to the other half there is  
allotted 147½ acres, of which 115 acres  
is fine tilable land, very well,  
and is of greatly more value than  
the half allotted to P J Miller & wife,  
Peter J Miller & wife offered to the  
commissioners, who divided the



Sounds, & now offers to take of the  
lands allotted to the other heirs,  
as shown in the plat of lots No  
1 & 2 to their full share 120 acres,  
being  $27\frac{1}{2}$  acres, less land than is  
allotted to the other heirs, then,  
praying the court to grant the divis-  
ion & report, as made by the said  
commissioners and direct a new  
& equal division to take place.

P. J. Miller & wife  
per Wm H Burns atty

Exceptors witnesses C. P. Elliott, Andrew  
Millburn Jr, Johnathan Barlow, A C  
Mc Keele, Champ J Hamlin, David  
Miller,

The plffs Saml Miller & wife. Say that the  
partition made by the commissioners was in  
pursuance of agreed lines between the plffs  
and deft Miller. And the land assigned  
the plaintiffs has been sold to Alex. Mc  
Neil by the court of deft Miller.  
Besides the partition is just  
Hoyes & Prideman  
per plffs

P. J. Miller & wife

and } Exceptions  
to  
Division

S Miller et als

Filed at Aug. Term 1876  
per Wm. C. Clark.

*Amending*

Chd 138.







Poplar Stumps  
 N<sup>o</sup> 80 W 15 poles  
 To a Beech at  
 the foot of the hill  
 on the East Side  
 of the branch and  
 about 2½ poles  
 North of a Spring  
 Thence S 7 W 3 poles  
 to another Beech  
 on the East bank  
 of Said branch  
 and about 1½ poles  
 west of Said  
 Spring

Costs vs. Wm J.  
 & Harvey Horton  
 have McNeil sum-  
 moned, as garnishee  
 on Summon. on  
 suggestions

274  
 40 ½ 45-  
 10960  
 137  
 111997 (69 ½)  
 960  
 515-97  
 141440  
 1821570 48  
 528 (3 ½)  
 4460  
 37  
 40  
 1480  
 1824  
 3304 (16 5)  
 320 (20)  
 104  
 26  
 60  
 1560  
 173  
 12  
 10  
 22  
 160  
 130  
 11  
 1430  
 124  
 22  
 248  
 248  
 17.



\$46 W 33 poles

#65-E 99 p

S 36 E 111 p

S 69 E 30 1/2 p

S 53 3/4 W 50 p

$$\begin{array}{r} 48 \\ 11 \\ \hline 528 \end{array}$$

$$\begin{array}{r} 57 \\ 74 \\ \hline 13100 \\ 528 \\ 160 \overline{) 13628} (85 \\ \underline{1280} \\ 828 \end{array}$$

S 40 E 45 p  
S 41 E 16 poles  
S 49 E 16 poles  
S 55 E 20 1/2 p  
S 25 E 66 p

111/2

$$\begin{array}{r} 100 \\ 57 \overline{) 1981} \\ \underline{111} \\ 871 \end{array}$$

$$\begin{array}{r} 57 \\ 99 \overline{) 1114} (1 \\ \underline{99} \\ 124 \end{array}$$

$$\begin{array}{r} 160 \\ 15 \\ \hline 800 \\ 157 \overline{) 2400} (153 \\ \underline{157} \\ 830 \\ 785 \\ \hline 450 \end{array}$$

$$\begin{array}{r} 165 \\ 93 \\ \hline 495 \\ 1495 \\ 15445 \\ 1440 \\ \hline 1045 \\ 160 \overline{) 2278} (14.2 \\ \underline{160} \\ 678 \\ 640 \\ \hline 380 \end{array}$$

S 25-W 16 p  
3 poles



$$702 \div 2$$

$$\begin{array}{r} 18 \overline{) 336} \\ 36 \\ \hline 17 \overline{) 284} \\ 28 \\ \hline 4 \overline{) 336} \\ 32 \\ \hline 16 \overline{) 702} \\ 68 \\ \hline 22 \end{array}$$

$$46 \overline{) 702} \begin{array}{r} 15 \\ 46 \\ \hline 242 \end{array}$$

$$53 - 9 \frac{1}{2}$$

$$\begin{array}{r} 505 \\ 25 \\ \hline 160 \overline{) 530} \begin{array}{r} 3 \\ 480 \\ \hline 500 \end{array} \end{array}$$

$$\begin{array}{r} 8 - \\ 4160 \\ 248 \\ \hline 160 \overline{) 720} \begin{array}{r} 4 \frac{1}{2} \\ 640 \\ \hline 80 \end{array} \end{array}$$



# The Commonwealth of Virginia:

To The Sheriff of Lee County:—Greeting,

WE COMMAND YOU TO SUMMON *Peter J. Miller and Mary Miller his wife and their children to wit Martha W. Miller Mary Miller William A. Miller Jr and Sarah Miller and Charles H. Ewing John M. Ewing Ellen M. Ewing Bath- sheba H. Ewing Orsby Harris and Emily Harris and John- Miller and Martha L. Miller his wife and William Miller Sr and Mary Miller his wife and Ellen C. Miller and John B. Thompson and Sarah C. Thompson his wife*

to appear before the Judge of the Circuit Court of Lee County, at the Court-house, in the

Clerk's Office, at *February*

hibited in our said Court against

*them by Samuel Miller and Caroline Miller his wife*

Rules next, to answer a bill in chancery, ex-

*by Samuel Miller and*

And have then there this writ. Witness, JAMES W. ORR, Clerk of our said Court, at the Court-house, this *20<sup>th</sup>* day of *January*, 1876, in the *100<sup>th</sup>* year of the Commonwealth.

*James W Orr Clerk.*



We the undersigned parties Defendants in & to  
the within Summons in Chancery do hereby  
accept the legal Service of the within Summons  
in Chancery on this the 21<sup>st</sup> day of January 1876

Peter J. Miller  
John Miller  
Mary Miller  
Ellen C. Miller  
Martha Le Miller

Samuel Miller & wife

vs. } Spec. in Chy.

Peter J. Miller  
& others

Returnable to  
February Rules  
1876.